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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 KARL K. KNIGHT II,

Case No. 3:19-cv-00114-MMD-WGC

7 Plaintiffs,

ORDER

8 v.

9 DEPUTY DJUKIC, *et al.*,

10 Defendants.

11
12 *Pro Se* Plaintiff Karl K. Knight II, who was previously an inmate in the custody of
13 the Nevada Department of Corrections (“NDOC”), brings this action under 42 U.S.C. §
14 1983. Before the Court is the Report and Recommendation (“R&R”) of United States
15 Magistrate Judge William G. Cobb (ECF No. 33) recommending that the Court deny
16 Plaintiff’s motion for summary judgment (“Motion”) (ECF No. 21) and Defendants’ motion
17 to strike Plaintiff’s Motion (ECF No. 32). Plaintiff and Defendants had until March 4, 2020
18 to file objections. To date, no objection to the R&R has been filed. For this reason, and as
19 explained below, the Court adopts the R&R and will deny both motions.

20 This Court “may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
22 timely objects to a magistrate judge’s report and recommendation, then the court is
23 required to “make a *de novo* determination of those portions of the [report and
24 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails
25 to object, however, the court is not required to conduct “any review at all . . . of any issue
26 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also
27 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the
28 magistrate judges’ findings and recommendations is required if, but only if, one or both

1 parties file objections to the findings and recommendations.”) (emphasis in original); Fed.
2 R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy
3 itself that there is no clear error on the face of the record in order to accept the
4 recommendation”).

5 Nevertheless, the Court conducts *de novo* review to determine whether to accept
6 the R&R. Judge Cobb found that Defendants timely filed an answer, but mistakenly served
7 it on Plaintiff’s old address. (ECF No. 33 at 3–4.) Judge Cobb determined that this was a
8 reasonable mistake because the complaint was served using Plaintiff’s old address and
9 Defendants had not yet appeared in the case when Plaintiff filed the notices of change of
10 address. (*Id.*) Defendants subsequently served Plaintiff at the correct address. (ECF No.
11 28.) Therefore, Judge Cobb recommends that Plaintiff’s Motion be denied and Defendants
12 motion to strike be denied as moot. (ECF No. 33 at 4.) Upon reviewing the R&R and
13 underlying briefs, this Court finds good cause to adopt Judge Cobb’s recommendation in
14 full.

15 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.
16 33) is adopted in its entirety.

17 It is further ordered that Plaintiff’s motion for summary judgment (ECF No. 21) is
18 denied.

19 It is further ordered that Defendants’ motion to strike Plaintiff’s motion for summary
20 judgment (ECF No. 32) is denied as moot.

21 DATED THIS 6th day of March 2020.

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MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
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